IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27027 of 1995

Between:

1. Sports Folio (India) Exports Pvt. Limited,11 Kalikrishna Street, Calcutta- 700 007 rep., by its President Mr. S. Sengupta.

2. Kothari Global Limited, 133 Mittal Tower "B" Wing, 13th Floor 224, Nariman Point, Bombay – 400 021 rep.,by Bansilal Agarwal.

3. R.T.Exports Limited 507/508 Dalamal House, Nariman Point, Bombay-21 rep. by S. Raghuraman.

4. Foods Fats and Fertilizers Limited, 3-5-874/7 & 8, II Floor, Hyderguda,

Hyderabad –500 029 rep. by Mr. Sanjay Goenka, Vice President.

5. ITC Limited, Agri Trading Business Group International Business Division, 31, Sarojini Devi Road, Secunderabad – 500 003.

6. Doon Valley Rice Limited, Outside Jundla Gate, Karnal – 132 001 rep.,by Mr.R.G.Gupta, Director. **..... PETITIONERS**

AND

1. The Government of Andhra Pradesh, rep. by its Secretary, Department of Civil Supplies, Secretariat Building, Hyderabad.

2. The Commisioner of Civil Supplies, Civil Supplies Bhavan, Somajiguda, Hyderabad

3. The District Collector (Civil Supplies), Kakinada.

4. The Port Officer, Kakinada Port, Kakinada. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction declaring the action of the first and second respondents in not granting extension of time to the petitioners to export rice from the Kakinada Port as per the terms given to them as arbitrary, illegal, and also declare the action of the first and second respondents in demanding payment of

Rs.90/- per tonne from the petitioners for granting extension of time after 18-11-95 as arbitrary, illegal and further declare that the respondents 1 and 2 are not empowered to collect the said money and issue a consequential direction to the respondents to grant extension of time to the petitioners for exporting the rice produced by them till 18-11-95 and stored at Kakinada Port and at other places without insisting on payment of Rs.90/- per M.T.

For the Petitioners: MR.C.V.MOHAN REDDY , Advocate

For the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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It is submitted by the learned counsel for the writ petitioners and admitted to by the learned Government Pleader that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P. No.6033 of 1997 and batch, dated 12-11-2002.

In the circumstances, following the said judgment, this writ petition is allowed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 01-09-2004

Svv

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, the First day of September, Two thousand and Four.

To

1. The Secretary, Government of Andhra Pradesh, Department of Civil Supplies, Hyderabad.

2. The Commissioner of Civil Supplies, Civil Supplies Bhavan, Somajiguda, Hyderabad

3. The District Collector (Civil Supplies), Kakinada.

4. The Port Officer, Kakinada Port, Kakinada.

5. Two CCs. to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

6. Two CD copies